IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18837 of 2004

Between:

Jaweed Abdullah S/o Taher Abdullah
H.No.18-7-198/A/243, Murad Mahal Talab Katta,
Hyderabad-500 002

..... PETITIONER

AND

The Regional Passport office Near Clock Tower, Secunderabad
rep.by the Regional Passport Officer

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in not carrying out the correction/alteration of the petitioner's correct date of birth as 23/05/1983 instead of 22/09/1977 appeared in Passport NO.E.1813949 issued on 24/04/2002 basing on the education certificate is illegal, arbitrary, unconsitituional and in violative oa Articles 19 and 21 of the constitution of India and consequently direct the respondent to issue a fresh passport with petitioner correct date of birth as 23/05/1983;

Counsel for the Petitioner:MS.B.VIJETHA

Counsel for the Respondent : MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following :

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ORDER:

Petitioner, who obtained a Passport bearing No.E-1813949 from the respondent, which was issued on 24-04-2002, valid till
23-04-2012, filed the present Writ Petition complaining that his actual date of birth as per the Secondary School Certificate is
23-05-1983, but by mistake it was recorded as 22-09-1977. When the petitioner approached the respondent authorities for correction of his date of birth in the passport, the respondent refused to do so.

3. However, pursuant to the judgment of the High Court judicature of Bombay in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular, dated 18-04-2001, which reads as under:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal

authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

4. In view of the same, the petitioner is permitted to file an application, if not already filed, before the respondent, for correction of his date of birth as 23-05-1983. On such application being filed, the respondent is hereby directed to consider and dispose of the same in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

DATED:13-10-2004

GJ

To

1. The Regional Passport Officer,Regional Passport office Near Clock Tower, Secunderabad.
2. Two C.D. copies.